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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,979

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Raphael Quinet

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EXAMINER

SEYE, ABDOU K

ART UNIT

PAPER NUMBER

2194

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,979	<b>Applicant(s)</b> QUINET ET AL.	
	<b>Examiner</b> Abdou Karim Seye	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-16 and 19-24 are currently pending in this application.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 and 19-24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Casella (US 7340499) in view of Baber et al (US 6658485).

As per Claims 1,14,19,20 and 22, Casella teaches the invention substantially as claimed including a method and system, in a communications network, of controlling an object transfer from a first component to a second component remote from the first component, wherein the object transfer is based on a plurality of object requests relating to objects referred to in one or more codes to be processed by the second or another component of the communications network, the method comprising steps of:

utilizing an intermediate component (FIG. 3A: 310; where the proxy server is the intermediate component) positioned between the first and the second component (FIG. 3A :320 and 302; where a user agent in communication with an information server) for:

sending an object request to the first component ( FIG. 3A; col. 5, lines 54-67; a user agent requesting an information object);

receiving the requested object from the first component (FIG.. 3A; user agent receiving the object);

estimating traffic over a link, comprising a number of connections, between the intermediate component and the second component to determine whether the link is fully used before suspending a connection to avoid wasting available bandwidth ( FIG. 3A; Col. 6, lines 40-67; col. 7, lines 1-23; multiple request/response traffics coupled with eliminated/suspended links between the user agent and the servers) ; and

depending on the priority of the requested object, the intermediate component delaying the requested object or forwarding the requested object to the second component (FIG. 3A; col. 8, lines 27-43; where the information object delayed/cached is supplied/forwarded to the user agent on a URL link) .

4. However, Casella does not explicitly teach dynamically assigning a priority to the requested object, wherein an initial priority has been assigned to the requested object on the basis of an analysis of at least one of the object request and the code that refers to the requested object.

5. Whereas, in the same field of endeavor Baber discloses a dynamic priority-based scheduling of data objects coupled with a number of factors ( FIG. 3A-3D; col. 9, lines 40-67; col. 10, lines 1-45; col. 8, lines 10-40).

6. It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Casella's invention with Baber's invention to include provide dynamic assignment of priorities to an object based on the object itself and it's content . One would be motivated to dynamically changed priority of an object in order to provide flexibility to respond to changes in network environment (Baber's; abstract).

7. As to claim 2, Casella teaches, wherein the delaying is performed such that an order in which the objects are received from the first component differs from the order in which the objects are forwarded to the second component ( col. 6, lines 40-52).

8. As to claim 3, Casella teaches, wherein the object request is received from the second component or generated by the intermediate component (FIG. 3A:330).

9. As to claim 4, Casella teaches, wherein delaying of the requested object includes at least one of instructing the second component to repeat the object request, suspending a connection to the second component via which the requested object is to be forwarded, and informing the second component that the requested object will automatically be forwarded at a later point in time (FIG. 3A, col. 6, lines 58-67, col. 7, lines 1-25).

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10. As to claim 5, Casella teaches, wherein instructing the second component to repeat the object request includes: assigning a specific attribute to the object to be delayed; informing the second component of the attribute; receiving a reference to the attribute from the second component; and upon receipt of the reference to the attribute, sending the delayed object to the second component or further delaying the delayed object (col. 6, lines 40-67; where the attribute is the link created for the object within the HTML code).

11. As to claim 6, Casella teaches, wherein requested objects are forwarded via the number of connections to the second component, based on comparing the average throughput of the number of connections to the second component to an amount of data that is currently cached or buffered in the intermediate component (col. 7, lines 1-28; col. 9, lines 35-45).

12. As to claim 8, Casella teaches, the step of dynamically allocating a specific share of processing capabilities to each of the number of connections (col. 8, lines 27-43).

13. As to claim 7, it is rejected for the same reasons as 1,14,19,20 and 22 above.

14. As to claim 9, it is rejected for the same reasons as claims 4 and 5 above.

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15. As to claim 10, Baber teaches, wherein upon receipt of a response containing the object requested from the first component, the response is evaluated with respect to the received object's priority in order to determine whether or not the initial priority of the received object has to be updated ( abstract; request for priority change).

16. As to claim 11, Baber teaches, generating a priority list that contains priority information for individual objects or classes of objects (FIG. 3A; queuing of the data object).

17. As to claim 12, Baber teaches, repeatedly assessing the priority list with respect to at least one of updating priority information, deleting objects or classes of objects and corresponding information, from the priority list ( FIG. 3D; queuing; dequeuing and changing of priority).

18. s to claim 13, Casella teaches wherein the steps are performed by a proxy component situated on the first component, on the second component or configured as a separate hardware component of the communications network (FIG. 3B).

19. As to claims 15-16, 21 and 23-24; they are rejected for the same reasons as the claims above.

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Freedman al. (5675721) discloses a computer network data distribution and selective retrieval system.

Jandel (6763371) discloses a method and apparatus for collaborative communication in a communication network.

Horton et al (6954429) discloses a bandwidth control system.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, An Meng at (571) 272-3756. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

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Supervisory Patent Examiner, Art Unit 2195